

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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ANITA ARRINGTON-BEY, etc.,)
 Plaintiffs,)
)
 v.) Case No. 1:14CV02514
) Judge Patricia A. Gaughan
CITY OF BEDFORD HEIGHTS,)
et al.,)
 Defendants.)

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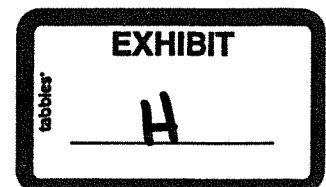
THE DEPOSITION OF OFFICER MAURICE ELLIS
MONDAY, MARCH 9, 2015

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The deposition of OFFICER MAURICE ELLIS, a
witness, taken as if upon cross-examination by the
Plaintiffs, under the Federal Rules of Civil Procedure,
taken before me, Janet M. Hoffmaster, Registered
Professional Reporter and Notary Public in and for the
State of Ohio, pursuant to Notice, at the offices of
Friedman & Gilbert, 55 Public Square, Suite 1055,
Cleveland, Ohio commencing at 10:33 a.m., the day and
date above set forth.

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1 best of your ability, recall what happened that day
2 with respect to your encounter with Omar Arrington-Bey.

3 Is that right?

4 **A. Yes.**

5 Q. So tell me when you first knew that there was
6 some kind of issue with him that made you become aware
7 that there was a situation.

8 **A. In reference to the call, sir?**

9 Q. Yes.

10 **A. Okay. We received a call of a disturbance at**
11 **Lowe's.**

12 Q. Now, when you say we, who is we?

13 **A. Officer Honsaker and myself were assigned to the**
14 **disturbance at Lowe's.**

15 Q. Well, before we get into there, you came on duty
16 that morning around 6:30. Is that correct?

17 **A. Yes, sir.**

18 Q. And do you remember what happened when you first
19 came on duty? Was there anything that stood in your
20 mind that day?

21 **A. No.**

22 Q. What do you typically do when you come into work
23 on a particular shift?

24 **A. We're assigned our shifts -- we're assigned our**
25 **zones and we respond to all general calls.**

1 Q. So when you frisked him was that because he was
2 under arrest?

3 **A. Yes.**

4 Q. And you went into his pockets?

5 **A. I had to, because I was frisking him.**

6 Q. Was he handcuffed already when you frisked him?

7 **A. Yes.**

8 Q. So you went in his pockets and what did you find
9 in his pockets?

10 **A. A few items. I found a small tablet [sic] with**
11 **breath mints.**

12 Q. I'm sorry?

13 **A. With breath mints.**

14 Q. Was it in a container?

15 **A. It was in a small container, metal container.**

16 Q. Was that like -- was there writing on --

17 **A. No.**

18 Q. Nothing on it.

19 **A. Nothing on it.**

20 Q. And did you open it up?

21 **A. No.**

22 Q. How did you know what was in it?

23 **A. By shaking it. I assumed that they were**
24 **tablets, but I couldn't tell you what they were.**

25 Q. Did you ask him what they were?

1 **A. He said sleeping pills.**

2 Q. Sleeping pills?

3 **A. Yes.**

4 Q. What else was in his pockets?

5 **A. No items of danger.**

6 Q. What did he have?

7 **A. Probably loose change. That's about it.**

8 Q. What you remember being in his pocket was a
9 small tin container, something that you would see with
10 breath mints. Right?

11 **A. Yes.**

12 Q. And there was no markings on it. Is that right?

13 **A. Yes, sir.**

14 Q. So there wouldn't be like, you know, some brand
15 name on it or anything like that.

16 **A. No, sir. I don't recall that.**

17 Q. And you shook it and it sounded like there was
18 some tablets in it. Is that right?

19 **A. M-hm.**

20 Q. And you asked him what it was.

21 **A. Yes.**

22 Q. And he said taking them for sleeping.

23 **A. M-hm. Yes, sir.**

24 Q. This is at what time of day?

25 **A. This is at 9:30 in the morning.**

1 Miles and went into the parking lot and went up to the
2 front. Is that right?

3 A. Yes, sir.

4 Q. And then you went in.

5 A. Yes, sir.

6 Q. And who did you speak to?

7 A. To the complainant which is the manager. I
8 believe the last name is Nelson.

9 Q. And what did Nelson tell you?

10 A. He advised me what this party did, advised me
11 that he was fired a few weeks prior and that he came in
12 requesting for his check, which he had already received
13 two weeks prior.

14 He noticed a certain look on him that he had not
15 seen before. He advised me that the party worked night
16 shift and he started destroying the shelves in the
17 paint aisle and pulling down some of the displays.

18 Q. When he told you about the look that he had
19 never seen before, did you have any idea what he was
20 talking about?

21 A. No, sir.

22 Q. You did not ask him?

23 A. No, sir.

24 Q. Did you ask him if he was in a psychotic or
25 mental episode in his opinion?

1 A. No, sir.

2 Q. Okay. Well, just hearing that somebody goes in
3 to pick up a check that he's already received and is
4 going around smashing things and throwing things off
5 the shelf and that kind of behavior, did that register
6 in your mind that this person might have some kind of
7 mental disability?

8 A. No, sir.

9 Q. So just somebody goes off out of control in
10 broad daylight at a store who, with a funny look, some
11 kind of strange look on his face, did not even register
12 to you that he possibly could be suffering from some
13 mental disability and going into a psychological
14 breakdown.

15 That didn't register to you?

16 A. No, sir.

17 Q. Okay. So it didn't register enough to call
18 Honsaker and tell him this is what you heard from the
19 manager of Lowe's. Did it?

20 A. No, sir.

21 Q. Okay. So you had your radio there, right? Is
22 that right?

23 A. Yes, sir.

24 Q. And Honsaker was now taking Mr. -- supposedly
25 taking Mr. Bey to the station for booking. Correct?